

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BLUE EVENTS, LLC; TIM TUCKER,
DIRECT MUSIC DISTRIBUTION, LLC;

Plaintiffs,

vs.

LINCOLN PROFESSIONAL BASEBALL,
Inc.; CHARLES MEYER;

Defendants.

LINCOLN PROFESSIONAL BASEBALL,
Inc.

Counter Plaintiff,

vs.

BLUES EVENTS, LLC,

Counter Defendant.

4:13CV3101

**FINDINGS, RECOMMENDATION,
AND ORDER**

Counter-Defendant Blue Events, LLC has not complied with the court's order requiring the service of mandatory disclosures, has not engaged in case preparation to progress this case to trial, and has failed to respond to requests for admissions served upon it by Counter Plaintiff Lincoln Professional Baseball. After conferring with counsel, the court entered a show cause order on August 28, 2014, requiring Counter-Defendant Blue Events, LLC to:

- 1) Show cause why the court should not enter a default and/or default judgment against it, [and warning that the] failure to timely comply . . . may result in an entry and/or judgment of default against Counter-Defendant Blue Events, LLC without further notice.
- 2) Show cause why the requests for admission served by Counter Plaintiff Lincoln Professional Baseball on Counter-Defendant Blue Events, LLC, (see filing nos. 55 and 56), should not be deemed admitted.

(Filing No. 58).

The deadline for responding to the show cause order was September 4, 2014. Counter-Defendant Blue Events, LLC failed to timely respond.

Accordingly,

IT IS RECOMMENDED to the Honorable John M. Gerrard, United States District Judge, pursuant to 28 U.S.C. § 636(b), that a default and/or default judgment be entered against Counter-Defendant Blue Events, LLC without further notice.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

IT IS ORDERED that the motion filed by Counter-Plaintiff Lincoln Professional Baseball, (Filing No. 55), is granted, and requests for admissions served by Counter-Plaintiff Lincoln Professional Baseball (see Filing No. 56-1, Exhibit A), are deemed admitted.

September 5, 2014.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge